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General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1434th Meeting

Tuesday, 12 July 1994, 3.00 p.m.

New York

Acting Chairman: Mr. Bangali ..... (Sierra Leone)

The meeting was called to order at 3.35 p.m.

Question of New Caledonia (A/AC.109/1197)

Hearing of petitioners (Aide-mémoire 22/94)

The Chairman: I wish to draw members' attention to a working paper prepared by the Secretariat, contained in document A/AC.109/1197.

At the invitation of the Chairman, Mr. Yann Céléné Uregei (Popular Congress of the Kanak People (CPPK)), took a place at the Committee table.

The Chairman: I call on Mr. Uregei.

Mr. Uregei *(interpretation from French):* On behalf of the Popular Congress, I should like first to thank the Committee for having invited us to take part in the work of the Special Committee of 24 and to congratulate the Chairman and to assure him of our close cooperation.

The Matignon Agreements are now six years old. At its last meeting the Committee drew up a positive balance sheet with regard to those Agreements. We were not surprised, but what is the reality of the social and economic policy followed since 1988, apart from the drenching of the Territory with government subsidies?

From the outset we denounced the confidence trick contained in the plan drawn up under the Agreements. Dividing the Territory into three provinces and gathering in one of them 89 per cent of the Europeans of the Territory, with almost all the Territory's industry and commerce concentrated in Noumea, automatically made the two rural provinces, containing a majority of Kanaks and people in favour of independence, economically dependent on the South, containing the loyalist majority, and planted the seeds of separatism.

There can therefore be no illusion about the Agreements, which deny the Kanak people the right freely to decide their future and put off to the Greek kalends the prospect of independence, making it dependent on a referendum 10 years in the future, when Kanak voters will still be a minority.

Michel Rocard's avowed intention was to keep New Caledonia in the French Republic. Increasing financial transfers by over 10 per cent a year could only increase dependence on Paris and strengthen an artificial economy. The Kanaks discovered that rebalancing regions on the basis of tourism only worsens inequality in development. It benefits some and marginalizes others, at the same time gradually destroying social and traditional cohesion.

The Kanak population faces a new kind of problem linked to the financing the French Government has injected into the Territory. Rumours about the secret enrichment of some pro-independence officials indicate the social malaise of the Kanak population, which clearly does not understand economic choices such as the purchase of an aeroplane by the leader of North Province while the rank-and-file militants must use ruined roads to get from their tribal dwellings to the villages.

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The result of the Matignon Agreements are not in the interests of the Kanaks, who remain in the same social situation six years after the Agreements came into force.

These are the Territory-wide results of the recent legislative elections: against independence, 73.86 per cent; unspecified, 4.18 per cent; and in favour of independence, a mere 21.93 per cent. Two right-wing deputies got through the first round, and the loyalist right may well take the three provinces in the 1995 elections, which would enable the Rassemblement pour la Calédonie dans la République (RPCR), with the help of the new Government, to impose statutory consensus since it did not request a referendum.

On the basis of those results we decided to shed this colonial logic and base Kanak demands solely on tradition. The first General Popular Congress that went above and beyond political labels was held at Kumo Drehu on 24 September 1992. We affirm that power belongs to the Kanak people in a popular democracy. We reaffirm that tradition is the basis of a Kanak community society based on respect for the traditional values and structures we want to bolster and defend. We have decided to restore, according to tradition, the unity of the Kanak people, a people torn apart by political parties, within each cultural area.

The Kanak people has been colonized by France since 24 September 1853. By seizing the Kanaks' land, France stripped away and still ignores all their rights; it unilaterally imposed colonial "legitimacy" and is responsible for the disorder and violence it brought to the Kanaks at every level. By continuing its colonial rule, the French Government remains an accomplice in that violence.

The Kanak people has been oppressed in countless ways: through economic exploitation by French nationals from the time our ancestors were stripped of their land by settlers to the present day, with the pollution of our soil and our water; through the capitalism that has grown to be multinational; through the alienation of the Kanaks by ignorance and contempt; through the destruction of our traditions; through attempts to make us foreigners and blame us for the situation that has arisen since the destruction of our ancestral beliefs and for the upheavals in our society; through the manipulation of traditional structures to use Melanesian pseudo-development to stifle our demands; and through the use of our traditions to project a false image - all while enabling the colonizer to retain a clear conscience and to hold on to his power.

From the beginnings of colonization, the Kanak people has resisted colonial oppression. In June 1878, Paramount Chief Atai said, "If your cattle devour my yams and taros, I will build a fence".

The policy of the colonial invader was to destroy Kanak civilization and the Kanak people. They did not hesitate to divide us and to use force, to send populations into exile, or to employ scorched-earth tactics and even genocide.

Demands for Kanak dignity, freedom and identity sparked the union of the Kanak people and inspired all the rebellions and liberation struggles through 22 June 1975, when the demand for Kanak independence was made official.

This resistance has now brought us to a unified traditional approach - the Popular Congress of the Kanak People - to demand respect in practical terms for the sacred rights of the Kanak people: to be recognized as a people unto itself; to be considered the only lawful occupant of Kanak land; to practice self-determination in dignity and freedom; to gain restitution of all our lands to restore the Kanak people to wholeness; to exercise its sovereignty immediately, unconditionally and unreservedly, and in so doing freely choose its own status - socialist Kanak independence on the basis of our own traditional structures; to have the means necessary to pursue economic, social and cultural development to build Kanak socialism; to attain the speedy, effective implementation of the commitments entered into by François Mitterrand, President of the Republic, and by the French Government, which at Naiville-les-Roches recognized the inherent and inalienable right of the Kanak people to independence.

The Kanak people remains alien in its own country. After 141 years of colonialism it has become a minority. It owns no land. It has been expelled from and stripped of its lands to the profit of settlers. It has been relegated to reservations owned by the French State. The Kanak people has French citizenship but not French nationality. Its status is different from that under common law. Every people is entitled to a nationality, and the Kanak people wants only one: its own.

That right was recognized by the Socialist Party on 9 November 1979 in Paris:

> "The Socialist Party reaffirmed its determination to support and guarantee the right of the Kanak people freely to determine its future".

In November 1979, at Paris, the Communist Party stated that

> "In the special conditions of New Caledonia, the Kanak people must enjoy respect for its right freely to decide its own future, participate fully in managing its own affairs, and take control of its own development".

The 1983 Naiville-les-Roches declaration recognized the Kanaks as the first and lawful inhabitants of the Territory and expressed the hope that their inherent and inalienable right to independence would therefore be respected.

Indeed, the South Pacific Forum, in its communiqués, the Movement of Non-Aligned Countries at its summit meetings, and the United Nations at its various international forums have recognized this right.

That recognition is based not on percentages of the Territory's population, but on the fact that the Kanaks are a colonized indigenous people. The solution lies in the immediate establishment of a special relationship with the sovereign, independent Kanak people.

We, the Kanak people, assembled in our Popular Congress, affirm our existence, which is rooted in our cultural identity and our own traditional values. We reaffirm our devotion to the cultural identity of the Kanak people and pay tribute to the memory of our ancestors, the source of our strength and the origin of our common heritage.

Recognizing that our customs are alive and that the traditions and wisdom of our ancestors have been handed down to us from generation to generation, and proclaiming the fundamental principles of our cultural heritage to generations to come, we base socialist Kanak independence on our own cultural values. We shall fight to the end for the recognition and defence of our traditional identity.

We proclaim that the Kanak people is the only lawful occupant of New Caledonia and is equal in rights to all other peoples of the world. We declare that the Kanak people is the only legitimate owner of that Kanak country and all its natural resources.

Even though this is the International Decade for the Eradication of Colonialism, the French Government has managed to safeguard its own interests. It has done so with the help of some Kanak independence leaders and by means of anti-democratic, dictatorial measures, establishing in New Caledonia a 10-year plan for the recolonization and integration of the Kanak people. This is the trap set by the French Government, which we have repeatedly denounced.

With the opening of the Common Market, New Caledonia became the colony of the 12 States members of the European Economic Community, thus strengthening the Rocard plan.

The Kanaks now note that their customs and their rights are in danger. Article 60 of the referendum law deprives traditional residents of the management and development of their land.

The Matignon Agreements, which fail to guarantee the independence of the Kanaks, sowed disharmony among all parties by introducing wilderness development through new institutional structures. This heralds the destruction of our culture and our customs. It is the grief of the Kanaks.

The Popular Congress, founded in Kumo Drehu on 24 September 1992, has solemnly established the authority of the Kanak people throughout Kanak territory. It has decided to reconstitute, according to custom, the unity of the Kanak people and to abolish political labels and boycott all elections because these divide and tear asunder the Kanak people. It has decided, further, to establish a case file on the environment issue with a view to submitting it to the International Court of Justice at The Hague.

The society envisaged by the Popular Congress is based on our traditional structures and our own cultural values.

By custom the Kanak people is organized as a popular democracy. By tradition it is independent. The colonial State need only restore full sovereignty to the Kanaks in order for them to become an independent and sovereign people once again.

The facts are there for all to see: there was France's unilateral takeover of our country on 24 September 1853; there were the misdeeds of the 141-year-long colonial oppression of the Kanak people; there was the implementation of the Matignon Agreements to destroy our culture and customs, and by means of the self-determination referendum, to deprive the Kanak people of the right freely to decide on its own future; and there was the Kanaks' alienation from their own country. It is against that background that the Popular Congress will be reconvening on 24 September 1994, at the Hoot Ma Waap Cultural Centre, in the Nénémas district of Poum, to take

an important decision concerning the accession of the Kanak people to national sovereignty.

The political, economic, social and cultural organization of the country will be carried out in accord with the principles of popular democracy within a framework of traditional structures in order to build a Kanak socialism devoid of the political labels that divide and tear asunder the Kanak people.

Tradition is recognized by Article 75 of the Constitution of France. Therefore the decisions made by the traditional leaders of the Kanak people are constitutionally valid. The Head of the French State, who is the guarantor of that Constitution, must guarantee and enforce respect for decisions based on tradition.

The petitioner withdrew.

The Chairman: The Committee will continue consideration of this item at a subsequent meeting.

Question of sending visiting missions to Territories (A/AC.109/L.1812 and L.1817)

The Chairman: I wish to draw the attention of members to the report prepared by the Chairman, Ambassador Lohia, contained in document A/AC.109/L.1812, which gives an account of his consultations with representatives of the administering Powers concerned. Members also have before them in document A/AC.109/L.1817 a draft resolution on this item.

During his consultations, Ambassador Lohia informed the representatives of the administering Powers that the Special Committee continued to attach the utmost importance to the dispatch of United Nations visiting missions to the Non-Self-Governing Territories as a means of securing first-hand information on them. In that regard, he expressed the Committee's appreciation to the Government of New Zealand for having extended an invitation to the Committee to send a visiting mission to Tokelau, which would be dispatched to the Territory the third week of July.

If no member wishes to speak on this item, may I take it that the Committee is prepared to adopt the draft resolution contained in document A/AC.109/L.1817 without a vote?

The draft resolution was adopted.

The Chairman: May I, on behalf of the Special Committee and on my own behalf, express our deep appreciation for the continuing cooperation extended by the Government of New Zealand in the related work of the Special Committee.

On the return of the visiting mission and upon completion of its report, the Committee will hold one or two meetings to consider the report and take appropriate action thereon.

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/AC.109/1196 and L.1818)

The Chairman: Members have before them the report by the Secretary-General contained in document A/AC.109/1196 as well as the draft resolution prepared by the Acting Chairman on the question, contained in document A/AC.109/L.1818.

As there are no comments, may I take it that the Committee is prepared to adopt the draft resolution contained in document A/AC.109/L.1818 without a vote?

The draft resolution was adopted.

The Chairman: The Committee has thus concluded consideration of this item.

Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination (A/AC.109/1191)

Military activities and arrangements by colonial Powers in Territories under their administration (A/AC.109/1191)

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/49/216)

The Chairman: The next three items on our agenda relate to foreign economic interests, military activities and specialized agencies. The consolidated working paper relating to the first two items, prepared by the Secretariat, will be issued shortly. With respect to the specialized agencies item, the reports of the Secretary-General and the

President of the Economic and Social Council should be published soon.

Does any member wish to speak in the general debate on any of these items?

If not, the Committee will continue consideration of these items at a subsequent meeting.

I would urge members to continue their consultations in respect of the draft decisions still pending on these three items. In order for the Committee to take action on the draft proposals, the drafts would need to be submitted at the latest by tomorrow, Wednesday, 13 July. Delegations wishing to sponsor those draft decisions should contact the Secretariat.

In order to facilitate our work, and as indicated in aide-mémoire 12/94 of 14 June 1994 concerning the provisional schedule of meetings, I wish to remind members wishing to take part in the debates relating to the items on foreign economic interests, military activities and arrangements by colonial Powers in Territories, and implementation of the Declaration by specialized agencies to do so as soon as possible.

As can be seen from our programme of work, the Committee is trying to conclude its work in one week with a programme that is heavy and which includes the hearing of petitioners with respect to a number of Territories. The Committee will also have to take action on a number of draft decisions during the same period. I would therefore appeal to all members to be prepared so that we can make maximal use of the time and conference facilities available to us.

Report of the Special Committee to the General Assembly at its forty-ninth session

The Chairman: In order to facilitate the submission in good time of the Committee's report to the General Assembly, I would suggest that, in keeping with the practice adopted by the Committee at previous sessions, the Rapporteur be requested to prepare and submit directly to the Assembly the various chapters of the report covering the items on which the Committee has concluded consideration. If the Committee has no objection to following this time-honoured practice, we shall proceed in that way.

It was so decided.

Organization of work

The Chairman: At its meetings scheduled for tomorrow, 13 July 1994, the Committee will consider the question of East Timor and the report of the Subcommittee relating to 10 Territories.

As I speak, 29 requests for hearing have been received on the question of East Timor. I would therefore urge all members to be on time so that we can utilize the time allotted to us to the fullest.

With regard to the question of Western Sahara, the representative of the POLISARIO Front has indicated that he will not be in a position to speak on Wednesday, 13 July, and has requested to be heard on Thursday, 14 July. May I take it that the Committee agrees to consider the question of Western Sahara on Thursday, 14 July, and hear the representative of the POLISARIO Front on that day?

It was so decided.

The meeting rose at 4.10 p.m.